

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

David Bacchus, #315173,	)	
	)	
Plaintiff,	)	C.A. No. 6:15-723-HMH-KFM
	)	
vs.	)	<b>OPINION &amp; ORDER</b>
	)	
RN Luann Manny, DHO Francis Bachman,	)	
Captain Ann Shepard, and Major Terrance	)	
Nettles, in their individual capacity,	)	
	)	
Defendants.	)	

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Kevin F. McDonald, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 of the District of South Carolina.<sup>1</sup> David Bacchus (“Bacchus”), a state prisoner, proceeding pro se, alleges a 42 U.S.C. § 1983 claim arguing that the Defendants retaliated against him and violated his rights to free speech and due process when he was sanctioned for filing a number of request forms concerning his medical care. The Defendants filed a motion for summary judgment on July 24, 2015. (Def. Mot. Summ. J., ECF No. 30.) In his Report and Recommendation, Magistrate Judge McDonald recommends granting the Defendants’ motion for summary judgment. (Report & Recommendation at 8, ECF No. 40.)

On December 7, 2015, and after receiving no objections from Bacchus, the court adopted the magistrate judge’s Report and Recommendation and granted the Defendants’ motion for

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<sup>1</sup> The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

summary judgment. However, after the order was entered, the court received objections from Bacchus that were properly mailed on December 3, 2015, the date for the objections deadline.<sup>2</sup> Therefore, the previous court order is hereby vacated, and the court now considers Bacchus' objections.

Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that Bacchus' objections are non-specific, unrelated to the dispositive portions of the magistrate judge's Report and Recommendation, or merely restate his claims. Accordingly, after review, the court finds that Bacchus' objections are without merit. Therefore, after a thorough review of the magistrate judge's Report and the record in this case, the court adopts Magistrate Judge McDonald's Report and Recommendation and incorporates it herein by reference.

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<sup>2</sup> See Houston v. Lack, 487 U.S. 266 (1988). Further, the filing date for objections by a pro se prisoner is the date the objections are delivered to prison officials for forwarding to the court clerk. See id. at 276.

It is therefore

**ORDERED** that the court's order ruling on the Report and Recommendation dated December 7, 2015, docket number 42, is vacated. It is further

**ORDERED** that the Defendants' motion for summary judgment, docket number 30, is granted.

**IT IS SO ORDERED.**

s/Henry M. Herlong, Jr.  
Senior United States District Judge

Greenville, South Carolina  
January 8, 2016

**NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.